

REMARKS

Applicant respectfully requests further examination and reconsideration in view of the above amendments and the comments set forth fully below. Claims 1-31 were pending. Within the Office Action, claims 1, 15 and 18 have been rejected and claims 2-14, 16, 17 and 19-31 have been objected to. Applicant has amended claims 1 and 3. Claims 1-31 are now pending.

Information Disclosure Statement

Within the Office Action, it is stated that the information disclosure statements (IDS) are in compliance with the provisions of 37 CFR 1.97. However, the Office Action states that references "AS" and "AT" of IDS paper No. 4 are not in compliance and are not considered because copies of the cited documents have not been received. Therefore, the Applicant has enclosed copies of references "AS" and "AT" of the IDS paper No. 4.

Objections To The Specification

Within the Office Action it is stated that on page 4, line 19; "level set signal 200" should be replaced by -level set circuit 200-. By the above amendment, the Applicant has replaced "signal" with -circuit-.

Objections To The Claims

Within the Office Action it is stated that there is insufficient antecedent basis for the "the control signal" limitation in claim 1, line 10. Accordingly, the Applicant has amended claim 1, line 10 to read "a control signal".

Within the Office Action it is stated that there is insufficient antecedent basis for the "the active output" limitation in claim 3, line 1. Accordingly, the Applicant has amended claim 3, line 1 to read "an active output".

Within the Office Action it is stated that there is insufficient antecedent basis for the "the control signal" limitation in claim 5, line 2. Accordingly, the Applicant has amended claim 1, line 10 to read "a control signal".

Rejections Under 35 U.S.C. § 103

Within the Office Action, claims 1, 15 and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,663,989 to Fobbester (hereinafter "Fobbester") in view of U.S. Patent No. 5,960,046 to Morris et al. (hereinafter "Morris"). The Applicant respectfully disagrees with this rejection. Fobbester teaches frequency differences

between transmitter and receiver in a frequency modulated digital radio transmission system which give rise to DC offsets at the output of the demodulator are countered for any one data transmission by establishing a frequency controlling or DC level controlling signal during a preamble sequence having a known constant DC component, such as the sequence 10101 - - - used for clock or data synchronization, and retaining that controlling signal substantially unaltered for use during the remainder of that data transmission. [Fobbester, Abstract].

As recognized by the Office Action, Fobbester does not teach a control signal being applied to the DC level set circuit to place the DC level set circuit into operation. Furthermore, the Applicant respectfully submits that Fobbester does not disclose a preamble detector configured to receive the input signal and to provide a preamble signal, in that figure 4, reference 12 does not teach this element as is stated in the Office Action.

Morris teaches a selection diversity system and method for use in a TDMA (time division multiple access) radio system, particularly suited for DECT (Digital Enhanced Cordless Telephone) applications, in which a single receiver makes a performance measurement on each of two antennas in sequence during the beginning of a received data burst, the beginning of the burst being determined by a timing signal fed back from a previous burst. A slicing level used in the receiver to perform threshold detection is continuously improved during the measurements of the two antennas, but held while switching between the antennas. The previously unused antenna is measured first to minimize the likelihood of having to perform two antenna switches. [Morris, Abstract]. Accordingly, neither Fobbester, Morris nor their combination teach a control signal being applied to the DC level set circuit to place the DC level set circuit into operation or a preamble detector configured to receive the input signal and to provide a preamble signal.

In contrast to the teachings of Fobbester, Morris and their combination, the data recovery algorithm for implementation in a radio transmitter or receiver includes a direct current level setting circuit with a preamble detector which will establish a threshold for a simplified decision simplified equalizer slicer that improves receiver performance in a feedback manner by utilizing an analog comparator, a one symbol long one bit resolution delay line and a summing junction. As described above, neither Fobbester, Morris nor their combination teach the feature of a control signal being applied to the DC level set circuit to place the DC level set circuit into operation or a preamble detector configured to receive the input signal and to provide a preamble signal.

The Applicants respectfully submit that the age of the cited references indicates a lack of some teaching or suggestion supporting the combination. The Fobbester patent was filed on October 18, 1994. The Morris patent has a filing date of December 3, 1996. Even with the

benefit of a filing date that is more than two years later than Fobbester, Morris still does not include some teaching or suggestion that the art taught in each reference can and should be combined. In other words, there is no teaching or suggestion in either references to make the combination made in the Office Action.

Furthermore, the Fobbester patent issued on September 2, 1997, and the Morris patent issued on September 28, 1999. The present application was filed on November 17, 2000, over a year after Morris issued. The Applicant respectfully submits that if the combination of the cited references was obvious, as is stated in the Office Action, then it is probable that such a combination would have been made prior to the filing of the present application. Therefore, the Applicant submits that this combination of references is indeed not obvious.

The Applicant respectfully submits that the Examiner is relying upon hindsight, having knowledge of the Applicant's own structure. But for this knowledge, the combination of references would not have occurred to the Examiner, as it did not occur to those skilled in the art to make the asserted combination. In other words, the combination proposed by the Examiner is being made only in light of his knowledge of the Applicant's disclosure.

The Applicant respectfully suggests that in the Office Action, the rejections evidence 'picking and choosing' features of the cited references and combining them when there is no suggestion in those references to do so. It is impermissible within the framework of a 35 U.S.C. §103 rejection to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one skilled in the art *In re Wesslau*, 353 F.2d 238 at 241, 147 USPQ 391 at 393 (CCPA 1965). Furthermore, obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. Teachings of references can be combined only if there is some suggestion or incentive to do so.

The independent claim 1 is directed to a circuit in a wireless receiver for receiving an input signal from a transmitter, the input signal including a preamble portion, a unique word portion and a data portion comprising a preamble detector configured to receive the input signal and to provide a preamble signal where the preamble signal is active during the preamble portion of the input signal and inactive during all portions of the input signal other than the preamble portion, a DC level set circuit configured to receive the preamble signal, the input signal including the preamble portion, the unique word portion and the data portion and to receive the control signal and to provide a level set signal and a data slicer circuit coupled with the DC level set circuit to receive the level set signal and to provide the output signal. As described above,

neither Fobbester, Morris nor their combination teach the feature of a control signal being applied to the DC level set circuit to place the DC level set circuit into operation or a preamble detector configured to receive the input signal and to provide a preamble signal. For at least these reasons, the independent claim 1 is allowable over the teachings of Fobbester, Morris and their combination.

The independent claim 15 is directed to a method of receiving an input signal and a control signal and providing an output signal, the input signal including a preamble portion, a unique word portion and a data portion comprising receiving the input signal with a preamble detector, providing a preamble signal where the preamble signal is active during the preamble portion of the input signal and inactive during all portions of the input signal other than the preamble portion, receiving the preamble signal from the preamble detector, the input signal and the control signal with a DC level set circuit, providing a level set signal with the DC level set circuit, receiving the level set signal from the DC level set circuit with a data slicer circuit and providing the output signal with the data slicer circuit. As described above, neither Fobbester, Morris nor their combination teach the feature of applying a control signal to the DC level set circuit to place the DC level set circuit into operation or providing a preamble signal. For at least these reasons, the independent claim 15 is allowable over the teachings of Fobbester, Morris and their combination.

The independent claim 18 is directed to a circuit for receiving an input signal and a control signal and providing an output signal, the input signal including a preamble portion, a unique word portion and a data portion comprising means for receiving the input signal with a preamble detector, means for providing a preamble signal where the preamble signal is active during the preamble portion of the input signal and inactive during all portions of the input signal other than the preamble portion, means for receiving the preamble signal from the preamble detector, the input signal and the control signal with a DC level set circuit, means for providing a level set signal with the DC level set circuit, means for receiving the level set signal from the DC level set circuit with a data slicer circuit and means for providing the output signal with the data slicer circuit. As described above, neither Fobbester, Morris nor their combination teach means for applying a control signal to the DC level set circuit to place the DC level set circuit into operation or means for providing a preamble signal. For at least these reasons, the independent claim 18 is allowable over the teachings of Fobbester, Morris and their combination.

Allowable Subject Matter

Within the Office Action, claims 2-14, 16-17 and 19-31 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As discussed above, claims 1, 15 and 18 are allowable over the teachings of Fobbester, Morris and their combination. Accordingly, the dependent claims 2-14, 16, 17 and 19-31 are all also allowable as being dependent on an allowable base claim.

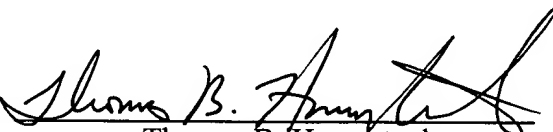
Consideration of Information Disclosure Statement

The Examiner has acknowledged all the information disclosure statements filed in this matter by initializing and returning the PTO form 1449 to the Application except for the information disclosure statement mailed on January 27, 2004. The Applicant has enclosed a copy of the January 27, 2004 information disclosure statement with the stamped return postcard for the Examiner's convenience. The Applicant would greatly appreciate acknowledgment of this information disclosure statement by return initialed PTO form 1449.

For the reasons given above, Applicants respectfully submit that the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
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